Supreme Court's concern over misuse of POTA

†4871. SHRI RAM JETHMALANI

SHRI KAPIL SIBAL :

Will the Minister of HOME AFFAIR be pleased to state:

(a) whether it is a fact that Supreme Court have expressed concern over the misuse of POTA in various States of the country during the hearing on Parliament attack case recently;

(b) if so, whether Government have identified those States where POTA has been misused;

(c) if so the details of the States; and

(d) what action Government have taken in this regard so far?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HARIN PATHAK): (a) The Supreme Court has not made any observation regarding the misuse of POTA in States during the hearing of the Parliament House Attack Case.

(b) to (d) It has been alleged from time to time in certain quarters that the provisions of POTA are being applied in cases where they should not be invoked, thus giving rise to apprehensions regarding the Act being misused. The Central Government has constituted a Review Committee under section 60 of the Prevention of Terrorism Act, 2002 to take a comprehensive view of the use of the said Act in various States and accordingly, give its findings and suggestions for removing shortcomings, if any, in the implementation of the said Act and to suggest measures to ensure that the provisions of the Act are invoked for combating terrorism only. This Review Committee has been notified in the Gazette of India—Extraordinary on 4-4-2003.

Stains Missionary Murder

4872. SHRI SHANKAR ROY CHOWDHURY : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the accused in the Stains Missionary Murder case have been brought to trial;

(b) if so, the progress of the case and its present position;

(c) whether Government consider the murder an act of terrorism; and

(d) if so, whether Government are contemplating bringing the case within the purview of POTA?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I. D. SWAMI) : (a) Yes, Sir,

(b) The position in this regard is as under :

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†Original notice of the question was received in Hindi.

The CBI filed charge-sheet on 22-6-1999 against 18 accused persons including the prime accused Dara Singh. One accused Sudarsh Hansda @ Chunchu Hansda, a juvenile, has already been tried and convicted by a Juvenile Court at Bhubaneswar and given the sentence of life imprisonment. He has filed an appeal before the Sessions Court which is pending disposal. Out of the remaining 17 accused, 3 are still absconding and 14 accused including Dara Singh are facing trial in the District and Sessions Court at Bhubaneswar. They are all in judicial custody. Recently the prosecution has closed its evidence. The accused persons have been examined individually U/s 313 of the Cr. P.C by the Court. Defence witnesses will be examined in the Court with effect from 7th May, 2003.

(c) No, Sir. As it is a case of murder by a group of people led by Dara Singh laws on terrorism have not been invoked.

(d) Does not arise.

Talks with ULFA

4873. PROF. M. SANKARALINGAM : Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of the recent talks with ULFA;

(b) whether Government have entered into any joint operation with Bhutan to destroy rebel camps which are active along the border:

(c) if so, the details; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI) : (a) The Government has extended an invitation to all those who have strayed from the paths of togetherness to come forward for talks within the fore corners of our Constitution. The United Liberation Front of Assam (ULFA) has not yet come forward for peace talks within the parameters indicated.

(b) to (d) The Government is aware about the existence of Indian Insurgent Groups camps in Bhutan territory, which are being used by them as safe havens, and for training purposes and launching of operations against Indian civilians and security forces.

The matter regarding removal of camps of Indian Insurgent Groups from Bhutan territory has been taken up from time to time with the Royal Government of Bhutan (RGOB). The RGOB have assured that they will not allow these elements to use their territory for activities prejudicial to the interests of India.